

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

**WHITNEY EZENWA, Individually and on
Behalf of All Others Similarly Situated**

PLAINTIFF

vs.

No. 4:24-cv-2650

**SILVER RAIN, LLC, d/b/a
AREA 29 HOUSTON**

DEFENDANT

**REPLY IN SUPPORT OF PLAINTIFF'S MOTION TO DISMISS
COUNTERCLAIM FOR DECLARATORY JUDGMENT**

Defendant's response wholly fails to demonstrate why its Counterclaim should withstand Plaintiff's Motion to Dismiss. Defendant has come into this Court and asked for relief they cannot have based on the authority Plaintiff cited in her Motion to Dismiss. Defendant's Counterclaim does not provide any remedy or relief to Defendant that is not also available in the underlying claims brought by Plaintiff.

Defendant's argument that the Court should decline to rule on Plaintiff's Motion to Dismiss and instead compel her to arbitration is also without merit. Defendant's arbitration agreement does not bind them and is not an enforceable contract. Plaintiff will more fully address her arguments in opposition to Defendant's Motion to Compel Arbitration in a separate forthcoming response.

WHEREFORE, premises considered, Plaintiff Whitney Ezenwa respectfully prays that the Court deny and dismiss the Counterclaim of Defendant; for attorneys' fees, costs, and for such other and further relief as this Court deems necessary, just and proper.

Respectfully submitted,

**WHITNEY EZENWA, Individually and
on Behalf of All Others Similarly
Situating, PLAINTIFF**

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CERTIFICATE OF SERVICE

I certify that on this the date imprinted by the CM/ECF system, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will send notification to the following attorney(s) of record:

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/s/ Sean Short
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